

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FRANK NELLOM,

Plaintiff,

v.

EXELON CORPORATION, et al.,

Defendants.

Case No. 2:22-cv-00268-JDW

ORDER

AND NOW, this 15th day of March, 2022, upon consideration of Plaintiff Frank Nellom's Application for Relief from Judgment (ECF No. 10), the Exhibits attached thereto, and Nellom's Amended Complaint (ECF No. 7), it is **ORDERED** that:

1. The Application for Relief from Judgment, construed as a Motion pursuant to Federal Rules of Civil Procedure 59(e), is **GRANTED**;
2. The Court's Order (ECF No. 9) dismissing this case in its entirety without prejudice due to the bar of *Heck v. Humphrey*, 512 U.S. 477 (1994) is **VACATED**;
3. The claims contained in the Amended Complaint are **DISMISSED** **WITHOUT PREJUDICE**. Mr. Nellom may reassert his claims in a new civil action in the event his conviction in Commonwealth v. Nellom, CP-23-CR-0007367-2018 (C.P. Delaware) is overturned or otherwise invalidated or called into question; and
4. This case will remain closed.

BY THE COURT:

/s/ Joshua D. Wolson

JOSHUA D. WOLSON, J.